

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

M.G. a minor, by and through her parents  
J.G. and other, C.G.,

Plaintiff,

v.

SEATTLE SCHOOL DISTRICT,

Defendant.

**CASE NO. 2:24-cv-00663-BAT**

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

This matter comes before the Court on its own motion. On July 3, 2024, the Court granted Defendant’s motion to modify the briefing schedule. Dkt. 11. Plaintiff did not respond to the motion. The Court found good cause to grant the motion as Plaintiff’s complaint neither identifies the specific issues to be reviewed nor the grounds upon which Plaintiff contends the ALJ erred. *Id.* In modifying the briefing schedule, the Court ordered Plaintiff to file an opening brief or motion by August 19, 2024. *Id.*

Plaintiff failed to file an opening brief or request a continuance. Therefore, on August 22, 2024, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to comply with the Court’s July 3, 2024 Order. The Order to Show Cause stated “Cause will be shown if Plaintiffs file their opening brief by Monday, August 26, 2024. Dkt. 12. As of the date of this Order, Plaintiff has not responded to the Court’s Order to Show Cause.

Accordingly, the Court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (allowing for involuntary

1 dismissal for failure to prosecute or failure to comply with the federal rules or court orders);  
2 *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (courts may  
3 dismiss cases *sua sponte* under Rule 41(b) for failure to prosecute); *Oliva v. Sullivan*, 958 F.2d  
4 272, 274 (9th Cir. 1992) (“The district judge has an obligation to warn the plaintiff that dismissal  
5 is imminent.”); *Villalobos v. Vilsack*, 601 F. App’x 551, 552 (9th Cir. 2015) (upholding district  
6 court’s dismissal without prejudice for failure to prosecute after the plaintiff failed to respond to  
7 the court’s order to show cause).

8 DATED this 28<sup>th</sup> day of August, 2024.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge